

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

PETER TSAI, M.D.

Holder of License No. **45470**
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-13-1134A

**INTERIM CONSENT AGREEMENT FOR
PRACTICE RESTRICTION**

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Peter Tsai, M.D. ("Respondent"), the parties enter into the following interim Findings of Fact, Conclusions of Law and Order ("Interim Consent Agreement") as an interim disposition of this matter.

RECITALS

Respondent understands and agrees that:

1. The Board may adopt this Interim Consent Agreement, or any part thereof, pursuant to A.R.S. § 32-1401 *et seq.* and A.R.S. § 41-1092.07(F)(5).

2. Respondent has read and understands this Interim Consent Agreement as set forth herein, and has had the opportunity to discuss this Interim Consent Agreement with an attorney or has waived the opportunity to discuss this Interim Consent Agreement with an attorney. Respondent voluntarily enters into this Interim Consent Agreement and by doing so agrees to abide by all of its terms and conditions.

3. By entering into this Interim Consent Agreement, Respondent freely and voluntarily relinquishes all rights to an administrative hearing on the matters set forth herein, as well as all rights of rehearing, review, reconsideration, appeal, judicial review or

1 any other administrative and/or judicial action, concerning the matters related to the
2 Interim Consent Agreement.

3 4. Respondent understands that this Interim Consent Agreement does not
4 constitute a dismissal or resolution of this matter or any matters that may be currently
5 pending before the Board and does not constitute any waiver, express or implied, of the
6 Board's statutory authority or jurisdiction regarding any other pending or future
7 investigations, actions, or proceedings. Respondent also understands that acceptance of
8 this Interim Consent Agreement does not preclude any other agency, subdivision, or
9 officer of this State from instituting civil or criminal proceedings with respect to the
10 conduct that is the subject of this Interim Consent Agreement. Respondent does not
11 intend his acceptance of this Interim Consent Agreement to constitute an admission of
12 any fact or facts and he enters into this agreement as an interim compromise of a pending
13 matter. Respondent further does not relinquish his rights to an administrative hearing,
14 rehearing, review, reconsideration, judicial review or any other administrative and/or
15 judicial action, concerning the matters related to a final disposition of this matter, unless
16 he affirmatively does so as part of the final resolution of this matter.
17

18 5. Respondent acknowledges and agrees that upon signing this Interim
19 Consent Agreement and returning it to the Board's Executive Director, Respondent may
20 not revoke his acceptance of this Interim Consent Agreement or make any modifications
21 to it. Any modification of this original document is ineffective and void unless mutually
22 approved by the parties in writing.
23
24
25

1 6. Respondent understands that this Interim Consent Agreement shall not
2 become effective unless and until it is adopted by the Board and signed by its Executive
3 Director.

4 7. Respondent understands and agrees that if the Board does not adopt this
5 Interim Consent Agreement, he will not assert in any future proceedings that the Board's
6 consideration of this Interim Consent Agreement constitutes bias, prejudice, prejudgment,
7 or other similar defense.

8 8. Respondent understands that this Interim Consent Agreement is a public
9 record that may be publicly disseminated as a formal action of the Board, and that it shall
10 be reported as required by law to the National Practitioner Data Bank and on the Board's
11 website as a disciplinary action.

12 9. Respondent understands that this Interim Consent Agreement does not
13 alleviate his responsibility to comply with the applicable license-renewal statutes and
14 rules. If this Interim Consent Agreement remains in effect at the time Respondent's
15 **medical** license comes up for renewal, he must renew his license if Respondent wishes
16 to retain his license. If Respondent elects not to renew his license as prescribed by
17 statute and rule, Respondent's license will not expire but rather, by operation of law
18 (A.R.S. § 32-3202), become suspended until the Board takes final action in this matter.
19 Once the Board takes final action, in order for Respondent to be licensed in the future, he
20 must submit a new application for licensure and meet all of the requirements set forth in
21 the statutes and rules at that time.

22 10. Respondent understands that any violation of this Interim Consent
23 Agreement constitutes unprofessional conduct under A.R.S. § 32-1401(27)(r) ("[v]iolating
24
25

1 a formal order, probation, consent agreement or stipulation issued or entered into by the
2 board or its executive director under this chapter.”)

3 **INTERIM FINDINGS OF FACT**

4 1. The Board is the duly constituted authority for the regulation and control of
5 the practice of allopathic medicine in the State of Arizona.

6 2. Respondent is the holder of License No. 45470 for the practice of allopathic
7 medicine in the State of Arizona.

8 3. The Board initiated case no. MD-13-1134A after being notified that on July
9 10, 2013, the State Medical Board of Ohio issued an order permanently revoking
10 Respondent’s license to practice medicine and surgery in the state of Ohio. The action
11 was taken after Respondent was indicted by the United States District Court for the
12 Southern District of Ohio Western Division for allegedly engaging in healthcare fraud,
13 smuggling, money laundering and conspiracy.

14 4. Respondent has informed the Board that he is not able to respond to the
15 allegations in detail, at this juncture, because the matter is still pending. A trial is set for
16 April 1, 2014.

17 5. Respondent has informed the Board that he is not currently practicing
18 medicine in Arizona nor does he have plans to do so in the immediate future.

19 6. The Board’s Staff Investigational Review Committee met and recommended
20 that Respondent voluntarily enter into an interim order for practice restriction, pending the
21 outcome of the criminal matter.

22 **INTERIM CONCLUSIONS OF LAW**

23
24 1. The Board possesses subject matter and personal jurisdiction over
25 Respondent pursuant to A.R.S. § 32-1401 *et seq.*

2. The Board is authorized to enter into an Interim Consent Agreement with a licensee to limit or restrict the professional's practice in order to protect the public and ensure that the professional is able to safely engage in the practice of allopathic medicine in Arizona. See, A.R.S. §§ 32-1405(C)(25), 32-1451(F) and A.A.C. R4-16-504.

INTERIM ORDER

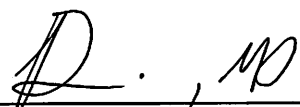
IT IS HEREBY ORDERED THAT:

1. Respondent shall not practice clinical medicine or any medicine involving direct patient care, and is prohibited from prescribing any form of treatment including prescription medications, until Respondent applies to the Board and receives permission to do so.

2. Beginning 90 days from the effective date of this Interim Consent Agreement and quarterly thereafter, Respondent shall submit status reports to the Board regarding the pending Ohio criminal action. The reports must be in writing and, at a minimum, include a detailed summary of what has transpired in the matter in the intervening time frame and copies of any orders entered pertaining to its final disposition.

3. This is an interim order and not a final decision by the Board regarding the pending investigative file and as such is subject to further consideration by the Board.

RESPONDENT ACCEPTS, SIGNS AND DATES THIS CONSENT AGREEMENT



Peter Tsai, M.D.

DATED: 3/17/14

1 DATED AND EFFECTIVE this 21st day of April, 2014.

2 ARIZONA MEDICAL BOARD

3 By C. Lloyd Vest, II
4 C. Lloyd Vest, II
5 Executive Director

6 EXECUTED COPY of the foregoing mailed
7 this 21st day of April, 2014 to:

8 Peter Tsai, M.D.
9 Address of Record

10 ORIGINAL of the foregoing filed
11 this 21st day of April, 2014 with:

12 Arizona Medical Board
13 9545 E. Doubletree Ranch Road
14 Scottsdale, AZ 85258

15 Mary Barber
16 Arizona Medical Board Staff
17
18
19
20
21
22
23
24
25